

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

United States of America,

Plaintiff,

v.

Sixing Liu,

Defendants.

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Criminal No. 11-208 (SRC)

OPINION & ORDER

CHESLER, District Judge

This matter comes before the Court on a motion filed by Defendant Sixing Liu (“Defendant”) to discharge his legal counsel and represent himself. For the reasons that follow, the Court denies the motion.

When a litigant appeals a District Court disposition, that Court relinquishes jurisdiction over most aspects of the case. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”); United States v. Lafko, 520 F.2d 622, 627 (3d Cir. 1975) (“Filing of a notice of appeal immediately transfers jurisdiction of a case from the District Court to the Court of Appeals.”); United States v. Batka, 916 F.2d 118, 120 (3d Cir. 1990).

A jury convicted Defendant on September 26, 2012. [Docket Item # 121]. Thereafter, Defendant appealed his conviction to the United States Court of Appeals for the Third Circuit. [Docket Item # 131]. That appeal remains pending. See United States of America v. Sixing Liu, Docket Nos. 13-1940 & 13-2282 (3d Cir.). This Court therefore does not have jurisdiction to

grant Defendant's request. Additionally, it appears that on June 10, the Court of Appeals granted Defendant permission to proceed pro se.

If Defendant's case returns to this Court, and if Defendant again seeks to discharge his counsel, this Court will consider a renewed motion at that time. Accordingly,

IT IS on this 10th day of September, 2014,

ORDERED that Defendant's motion to discharge his counsel is hereby **DENIED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge